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CENTRAL FAX CENTER**JUN 10 2008**Attorney Docket No.: 0160112
Application Serial No.: 10/799,533**REMARKS**

This is in response to the *Final* Office Action of May 6, 2008, where the Examiner has rejected claims 1-11, 13, 15, 17-27, 29, 31, 33-36, 39-43, 46, 48, 49 and 51-56. An early allowance of outstanding claims 1-11, 13, 15, 17-27, 29, 31, 33-36, 39-43, 46, 48, 49 and 51-56 in view of the following remarks is requested.

A. **Rejection of Claims 1, 3-5, 7-11, 13, 15, 17, 19-21, 23-27, 29, 31, 33-36, 39-43, 46, 48, 51, 53 and 55 under 35 USC § 103(a)**

The Examiner has rejected claims 1, 3-5, 7-11, 13, 15, 17, 19-21, 23-27, 29, 31, 33-36, 39-43, 46, 48, 51, 53 and 55, under 35 USC § 103(a), as being unpatentable over Bergstrom, et al. (USPN 5,809,459) ("Bergstrom") in view of Andersen, et al. (PGPUB 2006/0153286) ("Andersen"), and further in view of Zinser, Jr. et al. (USPN 6,138,092) ("Zinser").

In response to the applicant's amendments and response, the Examiner has replaced Kaajas, et al. (PGPUB 2004/0138874) ("Kaajas") with a newly cited reference, Andersen, and the Examiner contends that applicant's arguments have been rendered moot in view of Andersen.

The Office Action states that Bergstrom discloses "wherein said filter cut-off frequency is above 4 kHz," as recited in claim 1, by providing "expanded bandwidth frequencies is over 4kHz; paragraph 0019)." Applicant respectfully submits that there is no paragraph in Bergstrom that is numbered as paragraph 0019, and further, applicant has searched the entire disclosure of Bergstrom and has failed to locate any disclosure that references "expanded bandwidth frequencies is over 4kHz," or anything close to such disclosure. Therefore, applicant respectfully submits that Bergstrom does not disclose, teach or suggest "wherein said filter cut-off frequency is above 4 kHz," as recited in claim 1. Applicant respectfully seeks a clarification from the

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Examiner if the Examiner disagrees with applicant's observation with respect to Bergstrom.

Furthermore, the Office Action also states that Andersen discloses "wherein said filter cut-off frequency is above 4kHz (8kHz; paragraph 0045)." It is respectfully submitted that paragraph 0045 of Andersen reads:

In the embodiment of FIG. 1, the input to the encoder is the digital signal 125. This signal can take the format of 16 bit uniform pulse code modulation (PCM) sampled at 8 kHz and with a direct current (DC) component removed. The input is partitioned into blocks of e.g. 240 samples. Each block is subdivided into, e.g. 6, consecutive sub-blocks of, e.g., 40 samples each.

Applicant respectfully submits that Andersen merely states that "signal can take the format of 16 bit uniform pulse code modulation (PCM) sampled at 8 kHz." However, paragraph 0045 of Andersen does not disclose, teach or suggest anything about a filter cut-off frequency, let alone, such filter cut-off frequency being above 4kHz. Therefore, applicant respectfully submits that Bergstrom, Andersen and Zinser fail to disclose, teach or suggest the above-recited elements of claim 1.

Accordingly, applicant respectfully submits that claim 1 is patentably distinguishable over the cited references, and should be allowed. Further, claims 1-5, 7-11, 13, 15 and 48 depend from claim 1, and should be allowed at least for the same reasons stated above. Also, independent claims 17, 33 and 40 include limitations similar to those of claim 1, and should be allowed for similar reasons. Claims 18-21, 23-27, 29, 31, 34-36, 39, 41-43, 46, 51, 53 and 55 depend from claims 17, 33 and 40, and should also be allowed.

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B. Rejection of Claims 2 and 18 under 35 USC § 103(a)

The Examiner has rejected claims 2 and 18, under 35 USC § 103(a), as being unpatentable over Bergstrom in view of Andersen, and further in view of Accardi, et al. (PGPUB 2005/0055219) ("Accardi").

It is respectfully submitted that, as explained above, dependent claims 2 and 18 should also be allowed at least for the reasons stated above in conjunction with patentability of the independent claims.

C. Rejection of Claims 6 and 22 under 35 USC § 103(a)

The Examiner has rejected claims 6 and 22, under 35 USC § 103(a), as being unpatentable over Bergstrom in view of Andersen, and further in view of Gigi (USPN 6,453,283) ("Gigi").

It is respectfully submitted that, as explained above, dependent claims 6 and 22 should also be allowed at least for the reasons stated above in conjunction with patentability of the independent claims.

D. Rejection of Claims 49, 52, 54 and 56 under 35 USC § 103(a)

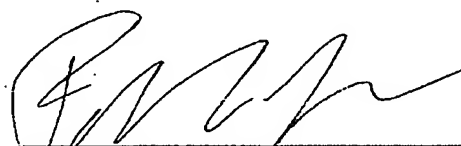
The Examiner has rejected claims 49, 52, 54 and 56, under 35 USC § 103(a), as being unpatentable over Bergstrom in view of Andersen and Kingsbury, et al. (USPN 6,308,155) ("Kingsbury"), and further in view of Li, et al. (PGPUB 2007/0110042) ("Li").

It is respectfully submitted that, as explained above, dependent claims 49, 52, 54 and 56 should also be allowed at least for the reasons stated above in conjunction with patentability of the independent claims.

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Application Serial No.: 10/799,533**E. Conclusion**

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1-11, 13, 15, 17-27, 29, 31, 33-36, 39-43, 46, 48, 49 and 51-56 pending in the present application is respectfully requested.

Respectfully Submitted,
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